D. Conn.

00-cv-835

Droney, J.

MANDATE

Garfinkel, Mag. J.

United States Court of Appeals

FOR THE

SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 9th day of MARCH two thousand five,

PRESENT:

Hon. Joseph M. McLaughlin,

Hon. Sonia Sotomayor,

Circuit Judges,

Hon. Miriam Goldman Cedarbaum,

District Judge.

In Re: Mostafa Reyad,

Mostafa Reyad,

Plaintiff-Petitioner,

04-5397-op

v.

USA,

Defendant-Respondent.

Petitioners, pro se, have filed a petition for a writ of mandamus. Upon due consideration, it is ORDERED that the petition for a writ of mandamus is denied. Petitioners have failed to demonstrate that their right to the issuance of a writ is clear and indisputable or that alternative remedies are not available. See. In re Steinhardt Partners L.P., 9 F. 3d 230, 233 (2d Cir. 1993). It is FURTHER ORDERED that Petitioners' motion for an expedited hearing is denied as moot.

A TRUE COPY

Roseann B. MacKechnie, Clerk

by "s/___signed_____".

FOR THE COURT:

Roseann B. MacKechnie, CLERK

By: "s/___signed_____".

- The Honorable Miriam Goldman Cedarbaum, United States District Court for the Southern District of New York, sitting by designation.

SEAL OF UNITED STATES COURT OF APPEALS SECOND CIRCUIT FILED MARCH 9, 2005 ROSEANN B. MACKECHNIE, CLERK

DPS-71

December 18, 2003

UNITED STATES COURT OF APPEALS FOR THE

THIRD CIRCUIT

C.A. No. **03-3262**

INDYMAC MORTGAGE HOLDINGS, INC., ET AL.

vs.

MOSTAFA REYAD, ET AL.

MOSTAFA REYAD, APPELLANT

(D.N.J. CIV. NO. 00-CV-02237)

Present: MCKEE, RENDELL AND GREENBERG,

CIRCUIT JUDGES.

Submitted are:

(1) By the Clerk for possible dismissal due to a jurisdictional defect;

(2) Appellant's Motion to Disqualify Rowena Moffett, Esquire;

(3) Appellant's jurisdictional response;

(4) Appellee's jurisdictional response;

(5) Appellant's reply to appellees' jurisdictional response;

(6) Appellees' response in opposition to motion to disqualify;

(7) Appellant's reply to response in opposition to motion to disqualify in the above-captioned case.

Respectfully

Clerk

MMW/LLB/slc

Indymac Mortgage Holdings, Inc., et al. v. Reyad, et al.

C.A. No. 03-3262

(D.N.J. Civ. No. 00-cv-02237)

continued

ORDER

The appeal is dismissed for lack of appellate jurisdiction. As the Court has previously explained, the order staying the proceeding is not appealable because it merely postpones the resolution of the case pending proceedings in another federal court. *See* Spring City Corp. v. Am. Bldgs. Co., 193 F. 3d 165, 171 (3d Cir. 1999); Michelson v. Citicorp Nat'l Servs., Inc., 138 F. 3d 508, 514 (3d Cir. 1998). In addition, because appellant did not seek leave of court before submitting his two motions for filing, there is no final order adverse to the

appellant for the Court to review. Appellant's motion to disqualify Rowena Moffett, Esquire is denied.

By the Court,

/s/ Theodore A. McKee

Circuit Judge

Dated: February 17, 2004

SLC/cc: Rowena A. Moffett, Esq.
Mr. Mostafa Reyad
Mrs. Wafa Reyad

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS,

INC.

Plaintiff,

v. Civil Action No. 3:00CV 835 (CFD)

MOSTAFA REYAD and WAFA REYAD,

Defendants.

RULINGS ON PLAINTIFF'S MOTION TO REDUCE PREJUDGMENT REMEDY

Pending is the plaintiff's Motion to Reduce Prejudgment Remedy [Doc. # 373]. The motion is GRANTED, as modified: The Court hereby reduces the amount of the prejudgment remedy to $ 1,100,000 against defendant Mostafa Reyad. As to defendant Wafa Reyad, the Court hereby reduces the amount of the prejudgment remedy

against here to $ 786,527.86, as the Court finds there is no likelihood of punitive damages being awarded against her.

SO ORDERED this 30th day of April 2004, at Hartford, Connecticut

"S/_____"
CHRISTOPHER F. DRONEY
UNITED STATES DISTRICT JUDGE

HUGHES HUBBARD & REED LLP
Robert W. Brundige, Jr. (RB 3147)
Park 80 West-Plaza Two
Saddle Brook, New Jersey 07663-5835
(201) 845-9772

One Battery Park Plaza
New York, New York 10004-1482
(212) 837-6000

Attorneys for Plaintiffs
INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

INDYMAC MORTGAGE HOLDINGS, INC. and INDYMAC, INC., Plaintiffs,	:
v.	Civil Action No. 2000CV2237
MOSTAFA REYAD and WAFA REYAD, Defendants.	:

ORDER TO SHOW CAUSE

Upon the complaint of IndyMac Mortgage Holdings, Inc. and IndyMac, Inc., a copy of which is attached hereto, the accompanying affidavits, the exhibits thereto and the Memorandum of Law in Support of Plaintiff's Application for a Temporary Restraining Order, Preliminary Injunction and Writ of Attachment, and sufficient cause appearing therefore, it is hereby

ORDERED, that defendants show cause before the Honorable Joseph A. Greenway, Jr. of this Court in Room 4C, United States Courthouse, Newark, New Jersey, on the 19th day of May, 2000, at 4 o'clock p.m., or as soon thereafter as counsel can be heard, why a preliminary injunction pursuant to Fed. R. Civ. P. 65 should not issue herein ordering defendants and all persons and entities in possession of defendants' assets, pending the final hearing and determination of this action, to immediately cease transferring, encumbering, or otherwise disposing of defendants' assets within this District including, but not limited to, the assets listed below, except for normal

household and personal expenses. Such assets may be transferred, encumbered, or otherwise disposed of for good cause shown upon order of the Court;

FURTHER ORDERED, pursuant to Fed. R. Civ. P. 65 (b), that pending the hearing and determination of plaintiffs' motion for a preliminary injunction, a temporary restraining order is hereby granted restraining defendants and all persons and entities in possession of defendants' assets immediately from transferring, encumbering, or otherwise disposing of defendants' assets within this District, except for normal household and personal expenses;

FURTHER ORDERED, pursuant to Fed. R. Civ. P. 64 and N.J. Stat. Ann. Section 2A: 26-2, that a writ of attachment be issued, attaching and garnishing defendants' assets up to $ 5.7 million including, but not limited to, the assets listed below:

(1) securities in a cooperative located at 2077 Center Avenue, Fort Lee, NJ 07024, jointly held in the name of both Mr. Reyad and Wafa Reyad

(2) securities owned by Wafa Reyad and held by the Equitable Life Insurance Co. at 80 East, Route 4 Suite 290, Paramus, NJ 07652;

(3) securities owned by Wafa Reyad and held by VALIC (The Variable Annuity Life Insurance Company) at 90 Woodbridge, NJ 07095

(4) securities owned by Wafa Reyad and held by IDS;

(5) securities owned by Wafa Reyad and held by the New England Company or Corporation;

(6) a Prudential & IDS Life insurance policy for Mr. Reyad naming Wafa Reyad as the beneficiary;

(7) an Equitable Life Insurance Co. insurance policy for both Mr. Reyad and Wafa Reyad and naming them

both as beneficiaries, held at 80 East, Route 4, Suite 290, Paramus, NJ 07652;

(8) cash owned by Mr. Reyad and Wafa Reyad and held by Fleet Bank at 154 Linwood Avenue, Fort Lee, NY 07024; and

(9) cash owned by Mr. Reyad and Wafa Reyad and held by Hudson City Savings Bank at 303 Main Street, Fort Lee, NJ 07024.

FURTHER ORDERED, that the United States Marshall Service, District of New Jersey, shall attach the assets listed above and any and all other assets of the defendants up to $ 5.7 million;

FURTHER ORDERED, that plaintiffs are hereby authorized to file a lis pendens with the Bergen County Clerk, State of New Jersey, against a piece of real property located at 1452-4154 River Road, Edgewater, NJ 07020, held in the name of Wafa Reyad.

FURTHER ORDERED, that service of this Order to Show Cause together with papers submitted in support hereof be deemed good and sufficient service if served at or before Noon o'clock p.m., on May 15, 2000, by certified mail return receipt requested upon the following addresses:

(1) Mostafa Reyad-2077 Center Avenue, Fort Lee, New Jersey 07024;

(2) Wafa Reyad-2077 Center Avenue, Fort Lee, New Jersey 07024, and

(3) Federal Mortgage Company of Connecticut-800 Summer Street, Suite 200, Stamford, Connecticut 06901.

FURTHER ORDERED, that plaintiffs post a bond in the amount of $ 10,000 before 12 o'clock p.m. on May 15, 2000.

FURTHER ORDERED, that defendants' opposition papers, if any, be served on or before May 18, 2000 at Noon by hand upon plaintiffs' council located at Park 80 West-Plaza two Saddle Brook, New Jersey 07663-5835 and the court.

Dated: Newark, New Jersey

May 12, 2000

ISSUED 5:30 o'clock P.M.

So Ordered:

"s/___signed_____"
Joseph A. Greenaway, Jr.
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC. and INDYMAC, INC.,

Plaintiffs,

CIVIL ACTION NO. 3:00-CV-835 (CFD)

-against-

MOSTAFA REYAD and WAFA REYAD,

Defendants.

RULING AND ORDER ON MOTION FOR DISCLOSURE OF PROPERTY AND MOTION FOR PREJUDGMENT REMEDY

After reviewing the plaintiffs' papers, and after a hearing on the pending motions before the Court on May 16, 2000, the Court hereby GRANTS the plaintiffs' motion for disclosure of property (Doc. # 5) and GRANTS the plaintiffs' motion for prejudgment remedy (Doc. # 6). For the reasons stated on the record, the Court concludes that the

plaintiffs have sustained their burden of showing that, under Conn. Gen. Stat. Section 52-278d (a), there is probable cause that a judgment in the amount of the prejudgment remedy sought will be rendered in the plaintiffs' favor, taking into consideration the defenses available to the defendants. In particular, the Court finds that there is probable cause to believe that Mr. Reyad, either personally or through his agents or his employees, engaged in fraudulent activities. Moreover, the Court finds that the plaintiffs have demonstrated there is a reasonable basis for the amount of there damages.

Consequently; the Court enters a prejudgment remedy in the amount of $ 1,600,000.00 against each of the defendants. This order is not a judgment and will not affect the merits of the defendants' claims and defenses in this case. Additionally, the prejudgment remedy can be modified

or withdrawn by the Court; upon an appropriate motion or stipulation of the parties. Furthermore, the Court will leave in place the temporary restraining order issued by District Judge Christopher Droney. Judge Droney has ordered the defendants to restrain from transferring or otherwise disposing of their property out of the ordinary course of business. This does not mean, however, that the defendants are precluded from engaging in their business. Rather, the defendants are permitted to use their bank accounts to conduct their business. The defendants are further permitted to use money from their bank accounts to pay for reasonable living expenses, and to retain counsel if they have not done so already.

Additionally, the plaintiffs' motion to disclose property is GRANTED, and thus the defendants must disclose property in which each or both of them has an

interest or debts owing to either or both of them sufficient to satisfy the prejudgment remedy. On or before May 26, 2000, the defendants must appear at the offices of plaintiffs' counsel, Brenner, Saltzman & Wallman, to answer questions under oath in a deposition. The parties must cooperate in scheduling a mutually convenient date. The scope of the deposition will be limited to disclosure of the existence, location, and extent of each of Mr. and Mrs. Reyad's interest in property, or debts owing to each or both of them, sufficient to satisfy the prejudgment remedy.

Finally, the defendants must either file an appearance to proceed pro se, or must obtain counsel to represent them and have their counsel file an appearance on or before Friday, May 26, 2000. Pursuant to Local Rule 7 (b), the defendants must also notify opposing counsel of their representation. Failure to have an appearance filed on their behalf, or failure to notify opposing counsel, may result in

the rendering or judgment by default against the defendants, pursuant to Federal Rules of Civil Procedure 16 (f) and 37 (b)(2)(C).

So ordered this 17th day of May 2000, at Bridgeport, Connecticut.

"s/_____"
William I. Garfinkel
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC., CIVIL ACTION NO.
Plaintiffs, 3:00 CV 835 (CFD)

v.

May 16, 2000

MOSTAFA REYAD and WAFA REYAD,

Defendants,

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES,

you are hereby commanded to garnish to the value of

$ 1,600,000, Fleet Bank, as it is the debtor of either or both

of Defendants Mostafa Reyad and Wafa Reyad and has

concealed in its possession property of either or both of Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

o:\files\drs\indymac\reyad\writ.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 17 day of May, 2000.

"s/_____signed_____
Magistrate Judge William I. Garfinkel

I hereby certify that the
foregoing is a true copy of the
original document on file Date:
5/17/00

By: "s/_____signed_____
Deputy Clerk

o:\files\drs\indymac\reyad\writ.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC., CIVIL ACTION NO.
Plaintiffs, 3:00 CV 835 (CFD)

v.

May 16, 2000
MOSTAFA REYAD and WAFA REYAD,

Defendants,

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES,

you are hereby commanded to garnish to the value of

$ 1,600,000, Hudson United Bank, as it is the debtor of

either or both of Defendants Mostafa Reyad and Wafa Reyad

and has concealed in its possession property of either or both of Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

o:\files\drs\indymac\reyad\writ.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 17 day of May, 2000.

"s/_____signed_____
Magistrate Judge William I. Garfinkel

I hereby certify that the foregoing is a true copy of the original document on file Date: 5/17/00

By: "s/_____signed_____
Deputy Clerk

o:\files\drs\indymac\reyad\writ.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC.,
Plaintiffs,

CIVIL ACTION NO.
3:00 CV 835 (CFD)

v.

May 16, 2000

MOSTAFA REYAD and WAFA REYAD,

Defendants,

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES, you are hereby commanded to garnish to the value of $ 1,600,000, Aenta Life Insurance Annuity Company, as it is the debtor of either or both of Defendants Mostafa Reyad and Wafa Reyad and has concealed in its possession property

of either or both of Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

o:\files\drs\indymac\reyad\writ.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 17 day of May, 2000.

"s/_____signed_____
Magistrate Judge William I. Garfinkel

I hereby certify that the foregoing is a true copy of the original document on file Date: 5/17/00

By: "s/_____signed_____
Deputy Clerk

o:\files\drs\indymac\reyad\writ.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC.,
Plaintiffs,

CIVIL ACTION NO.
3:00 CV 835 (CFD)

v.

MOSTAFA REYAD and WAFA REYAD,
Defendants,

May 16, 2000

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES, you are hereby commanded to garnish to the value of $ 1,600,000, New England Financial Annuities, as it is the debtor of either or both of Defendants Mostafa Reyad and

Wafa Reyad and has concealed in its possession property of either or both of Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

o:\files\drs\indymac\reyad\writ.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 17 day of May, 2000.

"s/_____signed_____
Magistrate Judge William I. Garfinkel

I hereby certify that the foregoing is a true copy of the original document on file Date: 5/17/00

By: "s/_____signed_____
Deputy Clerk

o:\files\drs\indymac\reyad\writ.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC., CIVIL ACTION NO.
Plaintiffs, 3:00 CV 835 (CFD)

v.

May 16, 2000

MOSTAFA REYAD and WAFA REYAD,

Defendants,

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES,

you are hereby commanded to garnish to the value of

$ 1,600,000, American Express Financial Advisors, Inc.

d/b/a IDS, as it is the debtor of either or both of Defendants Mostafa Reyad and Wafa Reyad and has concealed in its possession property of either or both of Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The

officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 17 day of May, 2000.

"s/_____signed_____

Magistrate Judge William I. Garfinkel

A True Copy Attest

Kevin F. Rowe Clerk, U.S. District

By: "s/_____signed_____
Deputy Clerk

o:\files\drs\indymac\reyad\writ.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC.,
Plaintiffs,

CIVIL ACTION NO.
3:00 CV 835 (CFD)

v.

MOSTAFA REYAD and WAFA REYAD,

May 16, 2000

Defendants,

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES, you are hereby commanded to garnish to the value of $ 1,600,000, VALIC, as it is the debtor of either or both of Defendants Mostafa Reyad and Wafa Reyad and has concealed in its possession property of either or both of

Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

o:\files\drs\indymac\reyad\writ.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 17 day of May, 2000.

"s/_____signed_____

Magistrate Judge William I. Garfinkel

o:\files\drs\indymac\reyad\writ.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC.,
Plaintiffs,

CIVIL ACTION NO.
3:00 CV 835 (CFD)

v.

May 16, 2000

MOSTAFA REYAD and WAFA REYAD,

Defendants,

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES, you are hereby commanded to garnish to the value of $ 1,600,000, The Equitable a/k/a The Equitable Life Assurance Society of the United States, as it is the debtor of either or both of Defendants Mostafa Reyad and Wafa Reyad and has concealed in its possession property of either or both

of Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

o:\files\drs\indymac\reyad\writ.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 17 day of May, 2000.

"s/_____signed_____

Magistrate Judge William I. Garfinkel

o:\files\drs\indymac\reyad\writ.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

INDYMAC MORTGAGE HOLDINGS, INC.
and INDYMAC., CIVIL ACTION NO.
Plaintiffs, 3:00 CV 835 (CFD)

v.

JUNE 6, 2000

MOSTAFA REYAD and WAFA REYAD,

Defendants,

WRIT OF GARNISHMENT

TO ANY PROPER OFFICER:

GREETINGS:

BY THE AUTHORITY OF THE UNITED STATES,

you are hereby commanded to garnish to the value of

$ 1,600,000, IDS Life Insurance Company, as it is the debtor

of either or both of Defendants Mostafa Reyad and Wafa Reyad and has concealed in its possession property of either or both of Defendants Mostafa Reyad and Wafa Reyad, and it is indebted to one or both of them.

Said garnishee is hereby directed, pursuant to Connecticut General Statute Section 52-330, to appear before the Court referenced above, and disclose under oath whether it has in its hands, goods or effects of either of the defendants, or is indebted to either or both of them. In lieu of appearance as set forth in the preceding sentence, garnishee, at the time of service, may disclose to the officer serving this Writ whether it owes anything to either or both of said defendants and if so, to whom and how much, and the officer shall endorse such disclosure on such process as a part of his

return thereof and such disclosure shall excuse the garnishee from appearing (Conn. Gen. Stat. Section 52-331). The officer serving this Writ is hereby directed to make inquiry of the garnishee consistent with this paragraph.

Hereof, fail not, but with this Writ and your doings thereon, make due service and return.

Dated at Bridgeport, Connecticut this 6 day of June, 2000.

"s/_____signed_____

Magistrate Judge William I. Garfinkel

A True Copy Attest

Kevin F. Rowe Clerk, U.S. District

By: "s/_____signed_____
Deputy Clerk

o:\files\drs\indymac\reyad\writ.